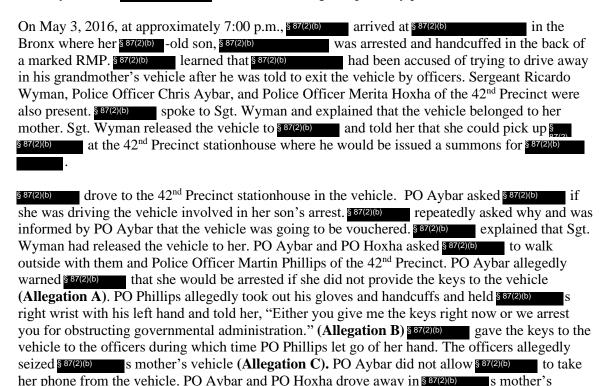
CCRB INVESTIGATIVE RECOMMENDATION

Investigator:		Team:	CCRB Case #:	Force	☐ Discourt.	U.S.
Rose Lantigua (S14)		Squad #14	201603884	✓ Abuse	O.L.	☐ Injury
Incident Date(s)		Location of Incident:	•	Precinct:	18 Mo. SOL	EO SOL
Tuesday, 05/03/2016 7:30 PM		42nd Precinct stationhouse		42	11/3/2017	11/3/2017
Date/Time CV Reported		CV Reported At:	How CV Reported:	Date/Time	e Received at CCF	lB
Thu, 05/05/2016 3:00 PM		CCRB	Phone	Thu, 05/0	5/2016 3:00 PM	
Complainant/Victim	Type	Home Addre	ess			
Witness(es)	Home Address					
Subject Officer(s)	Shield	TaxID	Command			
1. POF Chris Aybar	15039	955736	042 PCT			
2. POM Martin Phillips	09298	939223	042 PCT			
Witness Officer(s)	Shield N	o Tax No	Cmd Name			
1. SGT Ricardo Wyman	3217	926322	042 PCT			
2. POF Merita Hoxha	11713	955988	042 PCT			
Officer(s)	Allegatio	n		Inv	estigator Recon	mendation
A.POF Chris Aybar	Abuse: Police Officer Chris Aybar threatened to arrest § 87(2)(b)					
B.POM Martin Phillips	Abuse: Police Officer Martin Phillips threatened to arrest \$87(2)(b)					
C.POF Chris Aybar	Abuse: Police Officer Chris Aybar seized \$87(2)(b) s property.					

Case Summary

On May 5, 2016, §87(2)(b) filed the following complaint by phone with the CCRB.



No video was obtained related to this incident.

Mediation, Civil and Criminal Histories

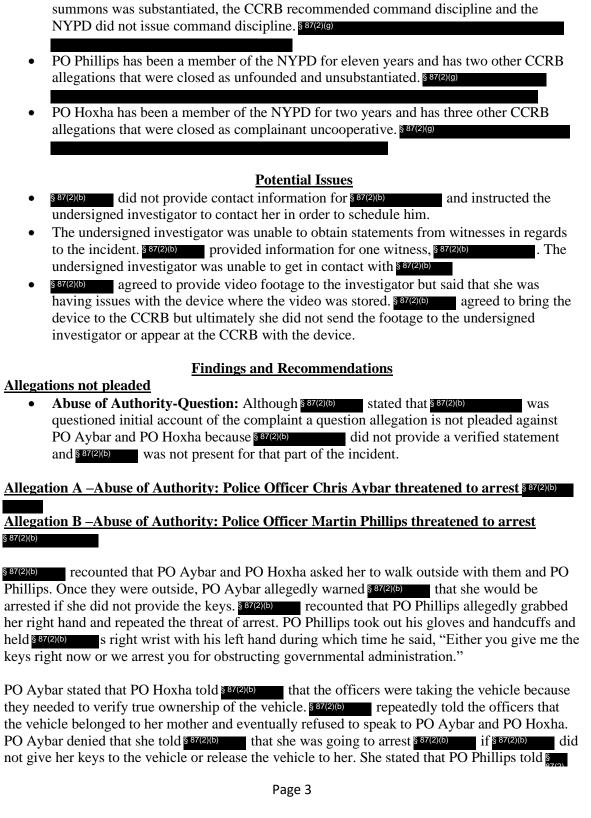
- Mediation was offered to \$87(2)(b) but she rejected it because \$87(2)(b)
 On May 17, 2016, \$87(2)(b) filed a notice of claim with the New York City comptroller's office. (BR01)
 \$87(2)(b), \$87(2)(c)
- § 87(2)(b), § 8<u>7(2)(c)</u>

vehicle.

Civilian and Officer CCRB Histories

- has filed one previous complaint that was closed as complainant uncooperative. (BR03)
- PO Aybar has been a member of the NYPD for two years and has five other CCRB allegations in three other cases. In case 201507102, an allegation of a retaliatory

Page 2



that if she did not give the keys to the officers, it would be considered OGA. PO Aybar did not recall whether any of the other officers threatened to arrest [87(2)(b)] PO Phillips stated that he told [87(2)(b)] to give the officers the keys to the vehicle because it was being vouchered. [87(2)(b)] that if she did not give the officers the keys to the vehicle she was committing OGA and she would be arrested.
A person is guilty of obstructing governmental administration when he intentionally obstructs, impairs or perverts the administration of law or other governmental function or prevents or attempts to prevent a public servant from performing an official function, by means of intimidation, physical force, or interference, or by any means of any independently unlawful act, or by means of interfering, whether or not physical force is involved. (NY PL 195.05) (BR04)
§ 87(2)(g)
§ 87(2)(g)
Allegation C –Abuse of Authority: Police Officer Chris Aybar seized property.
recounted that at the scene of her son's arrest, she approached Sgt. Wyman and explained that the vehicle belonged to her mother, provided paperwork to prove it, and called her mother who spoke with Sgt. Wyman on the phone. Sgt. Wyman returned the paperwork to some and released the vehicle to her. He also informed her that \$87(2)(b) would receive a summons for disorderly conduct and instructed her to pick him up at the precinct.
drove to the 42 nd Precinct stationhouse in the vehicle. She was approached by PO Aybar at the stationhouse who immediately asked her about the vehicle. PO Aybar told \$37(2)(b) that \$37(2)(b) was going to be arrested and informed her that the vehicle was going to be vouchered. \$37(2)(b) explained that Sgt. Wyman had released the vehicle to her, but was told by another sergeant that the vehicle needed to be kept in custody because Sgt. Wyman was not present at the stationhouse. \$37(2)(b) eventually released the vehicle to the officers.
It is undisputed that the keys to the vehicle were then seized and the vehicle was vouchered.
During her interview, PO Aybar recounted that she and PO Hoxha had observed the unattended vehicle running while it was parked at a hydrant. PO Aybar and PO Hoxha approached a group of men on the corner and asked them if the vehicle belonged to them. Solution approached the vehicle and informed the officers that the vehicle was his. PO Aybar also recounted that did not provide license and registration when she and PO Hoxha requested that information. PO Aybar stated that Sgt. Wyman allowed Solution to leave with the vehicle. Page 4

When she and PO Hoxha arrived at the stationhouse, they were instructed by a sergeant to seize the vehicle because the owner of the vehicle was still in question. PO Aybar did not recall which sergeant instructed her and PO Hoxha to seize the vehicle.

According to the Patrol Guide Procedure 209-27, to reduce incidents of auto theft, when officers encounter a key in the ignition of an unattended vehicle, procedure is to remove the ignition key and either return the key to the violator or deliver the key to the desk officer to be invoiced. (BR05)

According to Patrol Guide Procedure 218-19, vehicles are invoiced into police custody if the true owner cannot be determined. (BR06)

§ 87(2)(g)			
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Squad: 14			
Investigator			
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	Signature	FIIII	Date
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